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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/712,580

11/13/2000

Daniel M. Esquibel

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01/14/2005

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EXAMINER

YODER III, CHRISS S

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/712,580		ESQUIBEL ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Chriss S. Yoder, III		2612	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4,6-8,11-16 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-8,11-16 and 19-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-4,6-8,11-16 and 19-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 4, 6-8, 11, and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishida et al. (US Patent # 5,359,385).
2. In regard to claim 1, note Ishida discloses the use of a method of configuring settings in an imaging device that configures said settings in said imaging device with default values that are calculated based on a plurality of previous externally adjusted values for the settings (column 7, line 59-column 8 line 15; and figure 4: #55 and #60; the exposure correction values are read out of memory and combined with the new state, BV1, to form the new default), if at least one value for said settings is externally adjusted, configuring said settings in said imaging device with said at least one value (column 7, line 59-column 8 line 15; BV1 is considered the new state), receiving an indication that said settings are acceptable (column 8, lines 3-15; although not explicitly stated that there is an indication that it is acceptable, it is inherent, because if the value is not acceptable then the value is not stored), and determining whether to combine said

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at least one value for said settings in said imaging device with said plurality of previous externally adjusted values for subsequent uses of said default values (column 7, line 59- column 8, line 15; in this mode, the settings are always saved).

3. In regard to claim 2, note Ishida discloses the storage of said at least one value for said settings in a memory in said imaging device (column 7, line 59- column 8, line 15; in order for the operation to function, the value of BV1 has to be stored to perform the calculations).

4. In regard to claim 4, note Ishida discloses the retrieval of said default values for said settings from a memory in said imaging device (column 7, lines 59-63; the data is read out of memory).

5. In regard to claim 6, note Ishida discloses the retrieval of said plurality of previous externally adjusted values from a memory in said imaging device (column 7, lines 59-63; the data is read out of memory).

6. In regard to claim 7, note Munson discloses the default values are calculated by combining said plurality of previous externally adjusted values and determining an optimal value representing said plurality of previous externally adjusted values (column 7, line 59-column 8 line 15; and figure 4: #55 and #60; the exposure correction values are read out of memory and combined with the new state, BV1, to form the new default).

7. In regard to claim 8, note Ishida discloses that the optimal value comprises a mean value of said plurality of externally adjusted values (column 7, lines 59-63; the average value is considered to be the equivalent of the mean value).

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8. In regard to claim 11, note Ishida discloses that determining always returns an indication to combine said at least one value for said settings with said plurality of previous externally adjusted values (column 7, line 59- column 8, line 15; in this mode, the settings are always combined).

9. In regard to claim 19, this is an apparatus claim, corresponding to the method of claims 1. Therefore, claim 19 has been analyzed and rejected as previously discussed with respect claims 1.

10. In regard to claim 20, this is an apparatus claim, corresponding to the method of claims 1. Therefore, claim 20 has been analyzed and rejected as previously discussed with respect claims 1.

11. In regard to claim 21, note Ishida discloses that combining said at least one value comprises storing said at least one value along with said plurality of previous externally adjusted values in said imaging device for use in subsequent calculation for said default values (column 7, line 59 – column 8, line 15).

12. In regard to claim 22, note Ishida discloses that said combining said at least one value comprises combining said at least one value with said plurality of previous externally adjusted values to form new default values and storing said new default values in said imaging device (column 7, line 59 – column 8, line 15).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishida et al. (US Patent # 5,359,385) in view of Mizokami et al (US Patent # 4,584,610).

14. In regard to claim 3, note Ishida discloses the use of a method of configuring settings in an imaging device as claimed in claim 1 above. Therefore, it can be seen that Ishida fails to disclose the use of the shutter release button as the indication that settings are acceptable. Mizokami discloses the use of the shutter release button to save the settings of the camera (column 2, lines 16-21). Mizokami teaches that the use of the shutter release button to save the settings is preferred in order to record the settings along with the image every time the user takes a picture. Therefore, it would have been obvious to one of ordinary skill in the art to have been motivated to modify the Ishida device to use of the shutter release button to indicate when to save the settings of the camera in order to capture the settings along with the image every time the user takes a picture as suggested by Mizokami (column 2, lines 15-35).

15. Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishida et al. (US Patent # 5,359,385) in view of Safai (US Patent # 6,715,003).

16. In regard to claim 12, note Ishida discloses the use of a method of configuring settings in an imaging device as claimed in claim 1 above. Therefore, it can be seen that Ishida fails to disclose the use of an accumulation mode and determining whether to combine said at least one value for settings comprises reading a state of said accumulation mode. Safai discloses that the user is prompted whether to keep the settings (column 23, lines 29-35; and column 24, lines 40-55; the done command saves

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the settings and the cancel command discards settings). Safai teaches that the use of an accumulation mode is preferred in order to allow the user to select whether changes are to be saved or discarded. Therefore, it would have been obvious to one of ordinary skill in the art to have been motivated to modify the Ishida device to include the use of accumulation mode and determining whether to store said at least one value for settings based on the accumulation mode in order to allow the user to select whether changes are to be saved or discarded as suggested by Safai (column 23, lines 30-35).

17. In regard to claim 13, note Safai discloses that the new setting values are not combined if the accumulation mode is set to Discard (column 23, lines 29-35; and column 24, lines 40-55; the done command saves the settings and the cancel command discards settings, and the cancel mode is considered to be the equivalent of the Discard mode, none of the changes are stored).

18. In regard to claim 14, note Safai discloses that the new setting values are combined if the accumulation mode is set to Add (column 23, lines 29-35; and column 24, lines 40-55; the done command saves the settings and the cancel command discards settings, and the done mode in the Safai reference is considered to be equivalent to the Add mode, all of the changes are stored).

19. In regard to claim 15, note Safai discloses that the user is prompted whether to combine the settings (column 23, lines 29-35; and column 24, lines 40-55; the done command saves the settings and the cancel command discards settings).

20. In regard to claim 16, note Safai discloses reading the user input to determine whether to store or discard the new settings (column 23, lines 29-35; and column 24,

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lines 40-55; the done command saves the settings and the cancel command discards settings).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (703) 305-0344. The examiner can normally be reached on M-F: 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.




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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CSY

January 7, 2005

  
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